

**UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

<b>In Re:</b>	)	<b>CHAPTER 7 PROCEEDINGS</b>
	)	
<b>BRUCE &amp; CINDY ADELSTEIN</b>	)	<b>CASE NO. 11-16053</b>
	)	
<b>Debtor,</b>	)	<b>ADVERSARY NO. 12-1009</b>
	)	
<b>MARY ANN RABIN, TRUSTEE,</b>	)	<b>JUDGE MORGENSTERN-CLARREN</b>
	)	
<b>Plaintiff,</b>	)	
<b>vs.,</b>	)	
	)	
<b>JOHN V. DEPALMA, et al.,</b>	)	
	)	
<b>Defendant(s).</b>	)	

**JOINT PRE-TRIAL STATEMENT**

Now come the Plaintiff, Mary Ann Rabin (“Plaintiff”) Trustee in Bankruptcy, and the Defendants: John DePalma and Cheryl DePalma, by and through their respective counsel, and hereby submit the following Joint Pretrial Statement. In this Complaint, Plaintiff is suing on a Promissory Note (copy attached as Exhibit A to the Complaint) (the “Note”) purportedly made by John DePalma and Cheryl DePalma in favor of Debtor Bruce Adelstein.

**I. JURISDICTION:**

Jurisdiction of this Court over the instant adversary proceeding is based upon 28 U.S.C. §§1334(b), 157(a) and 157(b) and, in the District, upon General Order Number 84, in that this action arises in the bankruptcy case of Bruce and Cindy Adelstein (“Debtors”), filed on July 13, 2011 as a case under Chapter 7 of the Bankruptcy Code and being Case number 11-16053 presently pending before this Court. The within adversary proceeding is a core proceeding as that term is defined in 28 U.S.C. §§157(b)(2)(A), 157(b)(2)(K), 157(b)(2)(M), and 157(b)(2)(O). This proceedings is bought pursuant to

11 USC §§ 541, 544, 547 and 363 and Ohio state law statutes including but not limited to §147 et seq. and § 5301.01 et seq. There is no opposition to the Court's jurisdiction, nor the entry of final orders by the Court.

**II. ADMITTED OR PRESENTLY UNCONTESTED FACTS:**

None

**III. CONTESTED FACTS:**

1. Whether or not on the 22nd day of July, 2008, John V. DePalma signed a Promissory Note in favor of Bruce S. Adelstein in the amount of Six Hundred Thousand and 00/100 Dollars (\$600,000.00) (copy attached as Exhibit A to Complaint).

2. Whether or not on the 22nd day of July, 2008, Cheryl DePalma signed a Promissory Note in favor of Bruce S. Adelstein in the amount of Six Hundred Thousand and 00/100 Dollars (\$600,000.00) (copy attached as Exhibit A to Complaint).

3. Whether or not amounts were owing on the Note on the petition date.

4. Whether the Defendants/Makers were released from any obligations to Debtor.

**III. PLAINTIFF:**

**Legal and factual basis for action.**

5. Debtor's petition indicates the Note with a balance of \$600,000.00 thereon. Plaintiff, pursuant to Section 541 of the Bankruptcy Code, can enforce the Note.

**IV. DEFENDANT JOHN DEPALMA:**

6. This Defendant has filed an answer indicating that his liable on the Note was released pre-petition.

**V. DEFENDANT CHERYL DEPALMA:**

7. This Defendant has filed an answer indicating, among other things, that her signature on the Note was forged.

8. Defendant Cheryl DePalma is also filing a Cross-Claim against Defendant John DePalma for indemnification, based on the parties divorce decree.

**VII. PROPOSED DISCOVERY SCHEDULE:**

9. 120 days for discovery.

Respectfully submitted,

/s/ Julie E. Rabin

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**CERTIFICATE OF SERVICE**

A copy of the foregoing Joint Pretrial Statement was served electronically on the above counsel and the U.S. Trustee's Office this 12<sup>th</sup> day of March, 2012.

/s/Julie E. Rabin

JULIE E. RABIN (0006592)